

REMARKS

The present application contains claims 1 through 29. Claims 1, 2, 8, 9, 14, 17, 20, 24, 25 and 28 have been amended. No new matter has been added.

Making reference to the Office Action Summary, it is noted that the present action is a non-final action.

Responsive to the Request for Election of Species readable either on claims 1, 28 or claim 25 under 35 U.S.C. §121, Applicant respectfully elects the species of figures 5-11.

The claims readable on the species of figures 5-11 are claims 1-29.

Applicant agrees with Examiner that claims 1 and 25 are generic. All of the independent claims, as amended, are now directed to the embodiment of Figures 5-11 wherein the rail is movable and adjustment of the movable rail position is independent of the adjustment of the support position of the bedrail. No claims remain in the application which are directed to either the adjustable support portion taken alone or the adjustably mounted rail portion taken alone.

Regarding the Alexander Patent 2,071,155, and Wolf Patent 2,277,693, there is no teaching of adjustable gripping means for gripping a mattress. In addition, making reference to the Alexander '155 patent, the upright 10 is not coupled to the inner end of the extension 12. Note, for example, claim 29 which recites the bedrail of claim 1 wherein a lower end of said rail portion is coupled to an upper end of

said support portion so as to be positioned inwardly from an adjacent side of the mattress member. Noting the arrangement in Alexander, the person occupying the bed may experience discomfort by coming into contact with the upper surfaces of the extensions 12 taught by Alexander, which cannot occur with the present invention, as set forth in claim 29.

Regarding Nygren et al Patent 6,880,196 (i.e. '196 patent) and the Provisional Application 60/433,133 (i.e. '133 application) there is no teaching of the support portion gripping top and bottom surfaces of a member such as a mattress independently of the position of the movable rail portion as well as the movable rail portion. Provisional application '196 does not have a support portion which grips top and bottom surfaces of the mattress independently of the rail position. It is only when the rail portion is moved downwardly to the position of Figures 1 and 4 of '196 that the top and bottom surfaces of the mattress are gripped. Also patent '196 does not teach a support having L-shaped brackets, each with an arm configured to respectively engage top and bottom surfaces of a mattress.

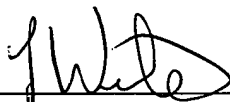
The teaching of Provisional application '133 is no greater in scope than the '196 patent.

In view of the foregoing, early examination and allowance of claims 1-29 are earnestly solicited.

Applicant: Waldman et al.
Application No.: 10/757,240

Respectfully submitted,

Waldman et al.

By 
Louis Weinstein
Registration No. 20,477
(215) 568-6400

Volpe and Koenig, P.C.
United Plaza, Suite 1600
30 South 17th Street
Philadelphia, PA 19103
Telephone: (215) 568-6400
Facsimile: (215) 568-6499

LW/dhe
Enclosure(s)